

## **AMENDMENT NO. 1**

### **Administrative Agreement of July 2010 Between Delaware River Basin Commission and Delaware Department of Natural Resources and Environmental Control**

In accordance with Section XI, “Amendment and Termination” of the Administrative Agreement of July 2010 between the Delaware River Basin Commission (DRBC or “Commission”) and the Delaware Department of Natural Resources and Environmental Control (DNREC or “Department”) (hereinafter, “Agreement”), by mutual agreement of the Secretary of DNREC and the Executive Director of the Commission, the Agreement is hereby amended as follows:

1. Appendix A is modified by the addition to “Category F” as defined therein of the category of projects consisting of electric generation and co-generation facilities that are designed to consumptively use in excess of 100,000 gallons per day of water during any 30-day period (hereinafter “the Category”), when no other aspect of a project in the Category subjects it to separate DRBC review in accordance with the RPP and this Agreement. Projects in the Category currently are subject to DRBC review and issuance of a docket in accordance with Section 2.3.5 B.17 of Article 3 of the Commission’s *Rules of Practice and Procedure* (RPP).<sup>1</sup>

2. Accordingly, the Matrix in Appendix A is hereby amended by the insertion immediately above the row containing the phrase “Significant impact to shared waters” of a new row as follows:

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| <b>Electric Generation/Co-generation Facilities:</b><br><br>Designed to consumptively use in excess of 100,000 gpd of water during any 30-day period, when no other aspect of the project subjects it to separate DRBC review in accordance with the RPP and this Agreement. | F |
|--|---|

3. Whenever DNREC approves a project within the Category in accordance with the Agreement as amended, DNREC hereby further agrees to require such project to obtain DNREC’s approval of (1) water conserving procedures and technology considered and/or to be implemented by the project sponsor; and (2) a contingency plan that includes emergency conservation measures to be implemented in the event of a drought or other water shortage, consistent with the terms of Section 2.3.5.1.C of the RPP, “Water Supply Projects – Conservation Requirements”.

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<sup>1</sup> Section 2.3.5 B.17 makes subject to review in accordance with Section 3.8 of the Delaware River Basin Compact, “[e]lectric generating or cogenerating facilities designed to consumptively use in excess of 100,000 gallons per day of water during any 30-day period”.

4. The Parties find that this Amendment No. 1 advances the objective set forth in Section III, "Principles" of the Agreement, which provides in relevant part that the Agreement is designed to: "...effectuate intergovernmental cooperation, minimize the efforts and duplication of Department and Commission staff resources where consistent with Commission and state legal requirements, [and] ensure compliance with Commission approved Basin-wide requirements .....".

5. This Amendment No. 1 shall be effective upon the date of execution by the last signing Party.

IN WITNESS thereof, the Commission through its duly authorized Executive Director and the Department through its Secretary, consistent with the *Delaware River Basin Compact* and the laws of the State of Delaware, respectively, have executed this Agreement by affixing their respective signatures thereto:

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Carol R. Collier, Executive Director  
Delaware River Basin Commission

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Collin O'Mara, Secretary  
Delaware Department of Natural Resources  
and Environmental Control

Date \_\_\_\_\_

Date \_\_\_\_\_